

SENATE BILL NO. 82

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:1472.1, the introductory paragraph of 1472.2(7),
3 1472.3(A)(1), (C)(1), (D), and (E)(1) and (3)(b), 1472.6(A), 1472.7(A), and
4 1472.12(A), and to enact R.S. 40:1472.3(E)(2)(p) and (3)(c) and (L), 1472.4(B)(2),
5 and 1472.5(I), relative to public health and safety; to provide with respect to the
6 regulation and licensing of explosives; to provide for the purchase and storage of
7 commercially manufactured black powder; to provide for use in antique devices; to
8 provide exceptions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1472.1, the introductory paragraph of 1472.2(7), 1472.3(A)(1),
11 (C)(1), (D), and (E)(1) and (3)(b), 1472.6(A), 1472.7(A), and 1472.12(A) are hereby
12 amended and reenacted and R.S. 40:1472.3(E)(2)(p) and (3)(c) and (L), 1472.4(B)(2), and
13 1472.5(I) are hereby enacted to read as follows:

14 §1472.1. Construction of Part

15 A. The provisions of this Part are cumulative and shall not be construed as
16 repealing or affecting any powers, duties, or authorities of the deputy secretary for
17 public safety services of the Department of Public Safety and Corrections under any
18 other law of this state; provided that with respect to the regulations of explosives as
19 herein provided, in instances where the provisions of this Part may conflict with any
20 other such law, the provisions of this Part control.

21 **B. The provisions of this Part and regulations promulgated by the**
22 **deputy secretary do not apply to the lawful purchase by a non-licensee or non-**
23 **permittee twenty-one years of age or older of commercially manufactured black**

powder in quantities not to exceed five pounds, or quantities not to exceed twenty-five pounds if purchased by a member of a bona fide artillery unit of historical reenactors, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms as defined in 18 U.S.C. 921(a)(16) or in antique devices as exempted from the term "destructive device" in 18 U.S.C. 921(a)(4).

§1472.2. Definitions

The following words used in this Part shall have the meanings respectively ascribed to them in this Section, including singular as follows:

* * *

(7) "Explosives" means any chemical compound, mixture, or device, the primary ~~of~~ or common purpose of which is to function by explosion. The term includes but is not limited to dynamite and other high explosives, black powder in quantities in excess of five pounds, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. The term "explosives" further includes but is not limited to the following:

* * *

§1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of explosives

A.(1) It shall be unlawful for any person or business to acquire, sell, possess, store, engage in the use of, or otherwise handle explosives in this state, except in conformity with the provisions of this Part. Each manufacturer, dealer-distributor, user, blaster, or handler, as such words are defined in R.S. 40:1472.2, shall possess a valid and subsisting license issued by the deputy secretary. An applicant employed by a licensed manufacturer, shall be permitted to work and to perform duties that would otherwise require a license pursuant to this Part provided the following conditions are all met:

(a) The applicant has submitted a complete application for a handler license.

(b) The applicant has successfully completed the required training.

(c) The applicant has been drug screened and found free of controlled dangerous substances.

(d) The applicant is found to meet the suitability requirements for licensing as provided for in this Chapter.

(e) When the conditions in Paragraphs (a), (b) and (c) of this Subsection have been fulfilled and the department has preliminarily determined the applicant to be suitable for licensing, the department shall, within five days from receipt of application unless exigent circumstances dictate otherwise, inform the applicant as to his provisional status to begin work.

(f) During the period as provided for in Paragraph (e), of this Subsection, a currently licensed manufacturer shall be responsible to ensure the applicant performs all activities regulated by this Chapter under their direct supervision or the supervision of a licensed designee in their employ. Such licensee shall direct, coordinate and control all activities of the applicant at all times while at work and shall not permit the applicant to work independently with explosives until fully licensed by the Department of Public Safety and Corrections.

* * *

C.(1) Licenses shall be required for the following and the fees therefor are as follows:

	1 yr.	2 yr.	3 yr.	<u>4yr.</u>
(a) Manufacturer	\$200	\$400	\$550	<u>\$700</u>
(b) Dealer-distributor	\$200	\$400	\$550	<u>\$700</u>
(c) User	\$100	\$200	\$250	<u>\$300</u>
(d) Magazine	\$50	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>
(e) Blaster	\$50	\$125 <u>\$100</u>	\$200 <u>\$150</u>	<u>\$200</u>
(f) Handler	\$50	\$100	\$125	<u>\$150</u>

* * *

D. Such licenses shall be issued by the deputy secretary for a period not to exceed ~~three~~ four years from the date of issuance, ~~excluding magazines which shall~~

1 ~~be licensed solely on an annual basis.~~ **The department may issue blaster and**
2 **handler licenses to qualified individuals who seek such a license and who are**
3 **not, at the time of application, employed by a licensed manufacturer, dealer-**
4 **distributor, or user.**

5 E.(1) The forms of such licenses and applications shall be prescribed by the
6 deputy secretary and shall require a photo ~~and fingerprint~~ of the applicant as well as
7 such other information and data as the deputy secretary deems appropriate.

8 (2) To qualify for a license, an applicant shall:

9 * * *

10 **(p) Not have been determined by a judge of this state or any other state**
11 **to be a credible threat to the physical safety of another, nor a person who is**
12 **subjected to the provisions of an active protective order, or prohibited from**
13 **possessing or receiving a firearm by law.**

14 (3)

15 * * *

16 (b) The department shall execute a thorough background investigation,
17 including a criminal history check, of every applicant for the purpose of verifying
18 the qualifications of the applicant pursuant to the requirements of this Section. For
19 purposes of this Subparagraph, a background check shall be defined as a computer
20 check of available online state records, as well as national records including but not
21 limited to the federal Interstate Identification Index ~~and fingerprints which shall be~~
22 ~~forwarded to the Federal Bureau of Investigation~~ for a national identification and
23 criminal history records check **and which may include fingerprints of the**
24 **applicant, if so requested by the department.**

25 **(c) Cost incurred by the department for processing Louisiana State**
26 **Police and Federal Bureau of Investigation fingerprint cards shall be borne by**
27 **the applicant.**

28 * * *

29 **L.(1) The provisions of this Part shall not apply to the use of**
30 **commercially manufactured black powder by historical and cultural reenactors**

sixteen years of age or older or the acquisition and use of commercially manufactured black powder by historical and cultural reenactors twenty-one years of age or older, who have completed the Louisiana State Parks Black Powder Certification. The acquisition and possession of black powder shall be limited to quantities not to exceed the following:

(a) Twenty-five pounds for historical and cultural reenactors who hold artillery designation with a bona fide unit of historical reenactors.

(b) Five pounds for all other lawful purchasers.

(2) Persons acquiring commercially manufactured black powder in quantities in excess of five pounds shall produce evidence of current certification from Louisiana State Parks for participation in Louisiana historical and cultural reenactments.

(3) Black powder in excess of five pounds that is stored at a private residence shall be reported in writing by the homeowner, occupant, or resident, as the case may be, to the chief of a fire district or department of competent jurisdiction.

§1472.4. Possession without license prohibited; exceptions

* * *

B. There are hereby made the following exceptions:

* * *

(2) Cultural and historical reenactors who are members of a bona fide artillery unit and who have completed the Louisiana State Parks Black Powder Certification and possess commercially manufactured black powder in quantities of twenty-five pounds or less.

* * *

§1472.5. Maintenance of records; inspection; notice of sale or delivery

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I. All sales made to historical and cultural reenactors shall bear upon the sales invoice the roster or unit number of the individuals to be assigned by the dealer-distributor, for which a current roster must be maintained by the

1 dealer-distributor and provided to the deputy secretary annually.

2 §1472.6. Sales authorized only to licensees

3 A. No manufacturer or dealer-distributor shall sell any explosive unless the
4 purchaser thereof is duly licensed under the provisions of this Part and authorized to
5 purchase same and the explosives are to be used by the purchaser for a purpose
6 covered by the purchaser's license, except that the provisions of this Paragraph
7 do not apply to lawful purchases by a non-licensee or non-permittee of
8 commercially manufactured black powder in quantities not to exceed five
9 pounds, or twenty-five pounds by a member of a bona fide unit of historical
10 reenactors, if the black powder is intended to be used solely for sporting,
11 recreational or cultural purposes in antique firearms as defined in 18 U.S.C.
12 921(a)(16), or in antique devices as exempted from the term "destructive
13 device" in 18 U.S.C. 921(a)(4).

14 * * *

15 §1472.7. Reports of losses or thefts; illegal use or illegal possession

16 A. Any sheriff, police department, or peace officer of this state shall give
17 immediate notice to the deputy secretary of any losses, thefts, illegal uses, or illegal
18 possession of explosives within the purview of this Part, coming to his attention, and
19 shall forward a copy of his final written report to the deputy secretary. Any
20 manufacturer, dealer-distributor, user, blaster, ~~or handler,~~ or historical and cultural
21 reenactor who knows that explosives in his possession have been lost, stolen, or
22 otherwise misappropriated shall immediately notify the nearest sheriff's office or
23 police department and the deputy secretary of such fact. In addition, each
24 manufacturer, dealer-distributor, and user shall physically inspect all magazines at
25 least one time every seven days to ensure security of the explosives.

26 * * *

27 §1472.12. Unlawful storage of explosives

28 A. It is unlawful to store explosives within the boundaries of the state of
29 Louisiana unless in a storage magazine properly licensed under R.S. 40:1472.3,
30 except that the storage of commercially manufactured black powder by

1 historical and cultural reenactors of twenty-five pounds or less as authorized in
2 this Part shall be stored in the factory-provided packages and boxes or in an
3 approved day-box portable magazine.

4 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____